

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

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**Nanette D. Robbins,**  
Appellant,

**v.**

**Polk County Board of Review,**  
Appellee.

**ORDER**

**Docket No. 14-77-0246**  
**Parcel No. 060/07209-000-000**

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On December 8, 2014, the above-captioned appeal came on for consideration before the Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2) and Iowa Administrative Code rules 701-71.21(1) et al. Nanette Robbins was self-represented and requested the appeal be considered without a hearing. Assistant Polk County Attorneys David Hibbard and Ralph Marasco, Jr. are counsel for the Board of Review. The Appeal Board having reviewed the record, and being fully advised finds:

***Findings of Fact***

Nanette Robbins is the owner of a residentially classified property located at 3316 Dubuque Avenue, Des Moines, Iowa. The property was built in 1952 and is a one-story home with 682 square feet and an enclosed porch. There is no basement. The site is 0.205 acres. The property record card reports the improvements are in normal condition and the record indicates the property has been “completely remodeled and is in above normal condition.” Further, an appraisal in the record indicates the property is in “overall good condition” with newer windows, furnace, central air, updated kitchen, and near new carpeting.

Robbins protested to the Polk County Board of Review regarding the January 1, 2014, assessment of \$59,800, allocated as \$12,500 in land value and \$47,300 in improvement value. This value did not change from the prior year’s assessment; and therefore, Robbins was limited to a claim of

downward change in value since the last assessment. Iowa Code § 441.37(1)(a)(2). The Board of Review denied the petition.

Robbins then appealed to this Board.

Robbins purchased the property in March of 2014 for \$40,000, and submitted an appraisal completed by Steve Cash of RELS Valuation, Urbandale, Iowa. Cash developed the sales comparison approach to value and submitted three comparable sales and two active listings in his analysis. He concluded a final opinion of value, as of December 2013, of \$42,000.

Two of the sales that Cash relied on in his analysis were Real Estate Owned (REO) sales, which are properties that have sold as the result of foreclosure. Although Cash noted these properties were REO transactions he did not make any adjustments for this distorting factor. Henderson, an appraiser in the Assessor's Office, completed an Appraiser Analysis that was submitted to the Board of Review. Henderson noted that of the five properties submitted by Cash, only one, Sale 3 located at 3320 Dubuque Avenue, was an arm's length transaction. We note that after adjustments, this sale indicates a value of \$60,850, which supports the assessed value.

The Board of Review also submitted three comparable properties with adjustments that indicate a value between roughly \$44,400 and \$68,800.

### ***Conclusions of Law***

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. This Board is an agency and the provisions of the Administrative Procedure Act apply. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review, but considers only those grounds presented to or considered by the Board of Review. §§ 441.37A(3)(a); 441.37A(1)(b). New or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all

of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct.

§ 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. § 441.21(1)(b). Conversely, sales of property in abnormal transactions not reflecting market value shall not be taken into account, or must be adjusted to eliminate the factors which distort market value. *Id.* The subject property's sales price in a normal transaction is a matter to be considered in arriving at market value but does not *conclusively* establish the subject's market value. *Riley v. Iowa City Bd. of Review*, 549 N.W.2d 289, 290 (Iowa 1996). Rather, this Board must determine what constitutes the most reliable and persuasive evidence of the property's market value. *Id.*

"For even-numbered assessment years, when the property has not been reassessed" a taxpayer may challenge its assessment on the basis that there has been a change in value from the immediately preceding assessment year. Iowa Code § 441.37(1)(a)(2); *Equitable Life Ins. Co. v. Bd. of Review of Des Moines*, 252 N.W.2d 449 (Iowa 1977). "When this ground is relied upon, the protesting party shall show the decrease in value by comparing the market value of the property as of January 1 of the current assessment year and the actual value of the property for the pervious assessment year." *Id.*; *see also Equitable Life Ins. Co.*, 252 N.W.2d at 450 (holding for a taxpayer to be successful in its claim of change in value, the taxpayer must show a change in value from one year to the next; the beginning

and final valuation). Essentially, it is not enough for a taxpayer to prove the last regular assessment was wrong; such a showing would be sufficient only in a year of regular assessment. *Id.* at 451.

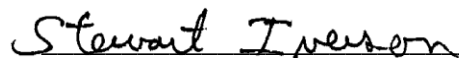
Robbins noted that the purchase price and an appraisal of the subject property indicate the subject is over-assessed. First, while the purchase price may be an indicator of value, we hesitate to rely solely on the sale price of a single property to determine the market value. Additionally, the appraisal relies on REO sales, which are abnormal transactions. They were not adjusted for this distorting factor and we do not rely on the conclusions. After adjustments, the remaining arms-length sales in the record support the assessment. Finally, Robbins did not provide any evidence of the property's January 1, 2013, value. *Both the January 1, 2013, and January 1, 2014, values are required to support a claim of change in value. Id.* at 450.

The APPEAL BOARD ORDERS the assessment of the property owned by Nannette Robbins located at 3316 Dubuque Avenue, Des Moines, Iowa, as of January 1, 2014, set by the Polk County Board of Review, is affirmed.

Dated this 6th day of January, 2015.



Karen Oberman, Board Member



Stewart Iverson, Board Chair



Jacqueline Rypma, Board Member

Cc:

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